

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----	:	
	:	
UNITED STATES OF AMERICA	:	
	:	
	:	
-vs-	:	Case No. 1:13-cr-298
	:	
	:	
STEPHANIE CHAPMAN,	:	
Defendant.	:	
	:	
-----	:	

SENTENCING HEARING

January 24, 2014

Before: Liam O'Grady, USDC Judge

APPEARANCES:

Stacey K. Luck and Michael J. Frank,
Counsel for the United States

Alfred L. Robertson, Jr., Counsel for the Defendant

The Defendant, Stephanie Chapman, in person

1 THE CLERK: Criminal case number 1:13-cr-298, the
2 United States of America versus Stephanie Chapman.

3 MS. LUCK: Good morning, Your Honor. Stacey Luck and
4 Michael Frank for the United States.

5 THE COURT: All right. Good morning.

6 MR. ROBERTSON: Good morning, Your Honor. Alfred
7 Robertson for Stephanie Chapman, who is present.

8 THE COURT: All right. This comes on for sentencing.
9 Are the parties ready to proceed?

10 MS. LUCK: Yes, Your Honor.

11 MR. ROBERTSON: Yes, Your Honor.

12 THE COURT: All right. Good morning, Ms. Chapman.

13 THE DEFENDANT: Good morning, sir.

14 THE COURT: All right. I received the position
15 papers of both parties. Mr. Robertson, any objections to the
16 presentence report, sir?

17 MR. ROBERTSON: Well, yes, Your Honor. The objection
18 is that the obstruction enhancement is not appropriate,
19 obviously. But no other objections to it that we noticed.

20 THE COURT: All right. Ms. Chapman, have you had an
21 opportunity to go over the report?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Any other changes or corrections other
24 than Mr. Robertson noting the obstruction offense?

25 THE DEFENDANT: No, sir.

1 THE COURT: All right. Have a seat then.

2 Do you want to be heard further on the obstruction
3 charge, Mr. Robertson?

4 MR. ROBERTSON: No, Your Honor. I think it is pretty
5 clear what our position is. You heard her testimony, and her
6 testimony was pretty inculpatory, frankly. I think that kind
7 of vitiates the obstruction enhancement. The jury was out for
8 what, an hour-and-a-half?

9 So I don't think there was any obstruction involved
10 in that case. I think the enhancement is inappropriate.

11 THE COURT: All right. Does the Government want to
12 be heard, Ms. Luck?

13 MS. LUCK: As we outlined, Your Honor, the defendant
14 in fact did lie repeatedly during her testimony. She lied
15 about the number of customers she contacted. She lied about
16 the number of times she transported the victim. She lied about
17 the money that she received and other remuneration.

18 For all those reasons, we do believe that the
19 obstruction enhancement is appropriate.

20 THE COURT: All right. Well, I'm not going to modify
21 the report. I think the obstruction points are proper. The
22 testimony that Ms. Chapman gave was in every respect rebutted
23 by empirical evidence either on her cell phone or through
24 records. And her testimony was far less credible in other
25 respects than the victim's testimony, which was corroborated in

1 many, many different respects.

2 So I am not going to modify the Guideline.

3 And as a result, Ms. Chapman is a level 38. She
4 doesn't receive acceptance. She went to trial on a plea of not
5 guilty, was found guilty by the jury.

6 She is a Criminal History Category I. And her
7 Guideline range is 235 to 293 months.

8 I have read the parties' positions on sentencing.
9 Ms. Luck, do you want to be heard at this time on sentencing?

10 MS. LUCK: Yes, Your Honor, just briefly.

11 First. As the Court has already noted, the evidence
12 in this case was in fact overwhelming. It was the defendant
13 that drove. It was the defendant's car. It was the
14 defendant's license. It was the defendant's computer. It was
15 the defendant taking photographs. It was the defendant posting
16 advertisements. It was simply overwhelming that the defendant
17 was guilty in this case.

18 But more importantly, the evidence was also clear
19 that the defendant was not a mere bystander in this case as she
20 attempts to try and portray herself, is that it was her
21 co-defendant, Mr. Holmes, who was the one that was directing
22 this.

23 In fact, Your Honor, quite to the contrary, without
24 the defendant, this crime never occurred. The victim never
25 would been transported. The advertisements never would have

1 been posted. In fact, if anything, the evidence in this case
2 shows that the defendant was perhaps more organized and more
3 manipulative than the co-defendant Ronnie Holmes.

4 Third. It was against this backdrop that this was
5 not the first time that the defendant had prostituted young
6 women. As the evidence showed, her telephone and computer
7 contained hundreds of images of other young women, one of which
8 had already been reported to NCMEC, the National Center for
9 Missing and Exploited Children.

10 It is against that backdrop the defendant had no
11 compunction about continuing to prostitute a 15-year-old girl,
12 who in every respect was a 15-year-old child.

13 Fourth. Despite this overwhelming evidence, the
14 defendant remains defiant and unremorseful in her actions.
15 When she testified at trial, she did attempt to minimize her
16 actions, lied about the customers, lied about the text
17 messaging, lied about everything.

18 And this is consistent with the defendant's taped
19 jail calls in which she again proudly proclaims, they ain't got
20 nothing on me. That simply just wasn't the case.

21 Next, to briefly touch on the defendant's sentencing
22 paper. The Government acknowledges that the defendant is now
23 claiming that she was raped while she was in the military. The
24 evidence simply does not exist. The defendant is not a
25 credible accuser, just like she was not a credible person who

1 testified in this court.

2 As background, Your Honor, in that particular case
3 the alleged accuser, the alleged defendant in that case was the
4 defendant's former paramour. After they broke up, she texted
5 that paramour's wife, and e-mailed him, and said that the
6 husband had raped her. That was the allegation. It was not an
7 outcry witness to a military officer, to a friend. It was to
8 her paramour's wife.

9 And in that respect, there was nothing to corroborate
10 the defendant's allegations of rape. And that's precisely why
11 there was no charges ever brought against the defendant for
12 rape or sexual assault in that case.

13 Finally, in this case the sentence requested in this
14 matter is substantial, but the Government believes it is
15 appropriate. In this matter, the victim will have to endure
16 what happened to her for the rest of her life. The time that
17 the Government is asking is a mere fraction in comparison to
18 that.

19 Thank you.

20 THE COURT: Thank you, Ms. Luck.

21 Mr. Robertson.

22 MR. ROBERTSON: This crime would have occurred
23 whether my client was involved or not. Mr. Holmes has shown
24 that he has repeatedly resourceful. He would have found
25 somebody else to drive him around. He had other people driving

1 for him. He had other people that helped him move things
2 around.

3 He would have put the ads on the computer anyway. He
4 just simply would have used somebody else's computer.

5 My client was manipulated by Mr. Holmes as he found
6 her easy to manipulate. Her mental health condition certainly
7 shows that she was in a fragile state and has been in a fragile
8 state for quite sometime. She had a suicide attempt in 2012,
9 which is unattacked by the Government.

10 Though they do attack her allegation of rape. It's
11 interesting when I hear that, when I hear that every time that
12 Ms. Chapman says, hey, look at me, this is something that has
13 happened to me, I need help, the Government doesn't believe
14 her. The Government just steers it away.

15 Now, there was harm caused to this victim, I am not
16 trying to diminish that by any means. But in the scope of this
17 case, this sentence, this 235 months, the bottom end of the
18 Guidelines that the Government is asking for, is wholly
19 inappropriate. Ms. Chapman is a veteran that served in the
20 military. She was diagnosed with post traumatic stress
21 disorder. This is not something she made up. She is diagnosed
22 with major depressive disorder, something else that she was not
23 making up. She is on medication for those, to this day she is
24 on medication for those.

25 Both of those conditions leave her in a state where

1 she is more susceptible to manipulation. And that manipulation
2 was done by Ronnie Holmes. Ronnie Holmes put her into this
3 position. She did things that she shouldn't have done because
4 of Ronnie Holmes. This crime would have occurred without
5 Stephanie Chapman. Ronnie Holmes would have found another way
6 to do it.

7 Essentially, Your Honor, looking at this case, my
8 client was convicted of a very serious crime, and the victim
9 was damaged because of the crime. But my client's role is not
10 a 235-month sentence kind of role.

11 When the Government is asking for a 135-month
12 sentence -- now, this was before Ronnie Holmes did his motion
13 to withdraw his plea and change his attorney and motion to
14 recuse, they asked for 135 months for him.

15 235 months at the low of the Guidelines for Ms.
16 Chapman means that there is an eight-year trial tax when there
17 shouldn't be a trial tax at all. And the Government happily
18 says, sure, a eight-year trial tax is perfectly appropriate.
19 Your Honor, it's just not.

20 And in this case, appropriately with what this Court
21 has sentenced other people to in different cases, as
22 demonstrated by the chart that was given by Mr. Holmes prior
23 counsel, this case is the type of case that should be at the
24 120-month mandatory minimum level.

25 Thank you.

1 THE COURT: All right. Thank you, Mr. Robertson.

2 Ms. Chapman, please come to the podium. This is your
3 opportunity to tell me anything you would like to.

4 I need to remind you, you went to trial and you
5 testified at trial. And you also have a right to appeal your
6 conviction. And you have got ten days to do so. And please
7 speak with Mr. Robertson about filing that notice of appeal in
8 the case. And also, anything you say here in court today,
9 should the case be retried at a later date, anything you say
10 could be used against you in that future proceeding.

11 So go ahead now.

12 THE DEFENDANT: There is nothing I can say that will
13 get me less than ten years, and nothing I can say to get me
14 home to my daughter and family and friends today.

15 So I will just start by saying, I found it in my
16 heart to forgive the prosecutors for how they have falsely
17 portrayed me and for creating such an outlandish story of what
18 they want you to believe happened in those two weeks because it
19 is their job.

20 After the trial I had time to think and forgive Jane
21 Doe for her misleading account of events, as it is clear she
22 had no chance against the intimidation and manipulation tactics
23 of the prosecution to support their case.

24 I know in my heart she was against testifying or
25 writing a letter that was untrue about me as she and I never

1 actually had more than half of the interactions or
2 conversations that were brought forth.

3 I am a sweet person and always treated her with
4 integrity. I never forced her to do or to say anything. We've
5 never had any need for disputes or had opportunities of
6 physical contact. I pray her parents are finally giving her
7 the love and attention that she was lacking, really needed, and
8 deserves.

9 The prosecutors are correct of one thing, and that is
10 I will never in my entire life acknowledge that I sex
11 trafficked a minor because I absolutely never had a thought to
12 or knowingly commit. I have been unjustly found guilty by law
13 of such a crime, but it doesn't make it true.

14 I am sure the prosecutors are chalking this up as a
15 win and content that their 99 conviction rate hasn't dropped on
16 paperwork, but what they don't understand is one day I will
17 again find freedom and I will live my happy life.

18 My family and friends all understand I am not guilty
19 of this, and they all stand by me. My wonderful daughter loves
20 me uncontrollably, and I have done a great job of raising her
21 right.

22 For the time being, my responsibilities of raising
23 her is being stolen from me, and I can't wait to get out to be
24 with her again, supporting and loving her. When I am free, I
25 will be there for her and her future children.

1 I apologize to my lawyer for being stubborn and
2 persistent, but it is my life, and I didn't want to just give
3 it up for nothing. But I am thankful he did a good job, even
4 though yesterday he didn't remember if he filed any motions of
5 acquittal or appeal.

6 I apologize to you, Judge O'Grady, for having to make
7 such a harsh decision against an honorably disabled veteran, an
8 educated single mother since the age of 15. My only naive
9 mistake was being around exploitive, manipulating, street-smart
10 hustlers.

11 I knew that taking it to trial, that there was a
12 chance of getting me ten years to life as my lawyer explained
13 months ago before he received any evidence or indictment. I am
14 determined to stay strong through this difficult time and
15 remain my positive, smiling self as at this point it is all
16 mind over matter.

17 Thank you, Your Honor.

18 THE COURT: No, please stay there at the podium.

19 Well, I can't say that I get you. The evidence was
20 overwhelming that you participated with Holmes. I don't have
21 any question that Holmes was in charge of this, that he is the
22 aggressor. That you were in a terrible state during that time.
23 You have mental health issues which are serious issues.

24 You had served honorably. You have no criminal
25 history. You had gotten into a really bad situation with

1 Holmes and was working for him for a period of time.

2 So I tried really hard to try and understand why you
3 went to trial and why you testified the way you did because the
4 evidence demonstrated that what you said wasn't entirely true.
5 Some of it I am sure was true, but not the key parts of it
6 where you did go along with what he wanted to do. And you did
7 think about yourself and money. As small an amount of money as
8 it was, it was obviously enough at that time because you're
9 living in a car outside your mom's house and you're trying to
10 keep your daughter safe.

11 On the other hand, your daughter is in the car
12 sometimes when you're going around to different locations with
13 the victim, which put her in peril.

14 So you have got a long way to go to get your mental
15 health together, and I hope that you will work hard at it and
16 that you will take advantage of the treatment that you can get
17 in the Bureau of Prisons for mental health counseling.

18 Ten years is a long time, and that's the minimum
19 mandatory, as you pointed out, and there is a reason for it.
20 The reason is because of the victim in this case, the age of
21 the victim, the helplessness of the victim. The fact that she
22 was so unsophisticated in what was going on. She tried to get
23 you to share some insight, some personal insight into what was
24 going on and to help her because she knew, of course, that
25 Holmes would never help her.

1 And you also were in a state where you didn't offer
2 any of that help. And you may not have even felt that she was
3 reaching out to you because of the state you were in, but she
4 was. And you were pretty darn callous about her suffering.
5 And that's why these types of cases have such significant
6 minimum mandatory sentences.

7 I am going to sentence you to 132 months of
8 incarceration.

9 Five years of supervised release.

10 I will not impose a fine or costs.

11 A \$100 special assessment will be imposed.

12 I will order that as conditions of your supervised
13 release, you receive mental health counseling and treatment,
14 and substance abuse testing and treatment to the extent the
15 Probation Office believes you may need it.

16 I will order that you register with the Adam Walsh
17 Child Protection Safety Act in any state where you reside or
18 are employed.

19 And I will order that you be on other standard
20 conditions of supervised release.

21 Is there any restitution order? Has any been sought
22 in this case?

23 MS. LUCK: No, Your Honor. The victim and her family
24 don't want any further reminder of this, and so they have
25 declined to seek restitution.

1 THE COURT: All right. There will be no restitution.
2 You will be given credit for time served awaiting
3 this sentencing.

4 Do you seek a designation?

5 MR. ROBERTSON: I do, Your Honor. If we could keep
6 her as close to the D.C. area as we can.

7 I also neglected to seek the residential drug
8 treatment program for her. That was indicated in the
9 presentence report, that she has had problems with drugs
10 before.

11 THE COURT: Yeah. All right, I will ask the Bureau
12 of Prisons to make her available for the residential drug
13 program. And we will ask for a designation as close to
14 Washington, D.C. as possible so she can be as close to her
15 daughter as possible.

16 It's up to you. Come on now, you can do better. You
17 can get out and be a contributing member of your community, of
18 our community, and I hope you will work at it.

19 THE DEFENDANT: I will.

20 THE COURT: All right. Thank you.

21 -----
22 HEARING CONCLUDED

23 I certify that the foregoing is a true and
24 accurate transcription of my stenographic notes.

25 /s/ Norman B. Linnell
Norman B. Linnell, RPR, CM, VCE, FCRR